

PATENT

ROC920030366US1 (IBM/288)

Confirmation No. 7130

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence for Application No. 10/754,010 is being electronically transmitted to Technology Center 2167 via EFS-WEB, on June 16, 2009.

/Scott A. Stinebruner /

Scott A. Stinebruner, Reg. No. 38,323

June 16, 2009

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Paul Reuben Day et al.

Art Unit: 2167

Application No.: 10/754,010

Examiner: Kimberly M. Lovel

Filed: January 8, 2004

For: METHOD AND SYSTEM FOR A SELF-HEALING QUERY ACCESS PLAN

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM  
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed March 17, 2009 finally rejecting claims 1, 3-8, and 10-12.

The item(s) checked below are appropriate:

1. ☐ Applicant hereby petitions for a ☐ month extension of time.  
☐ Check attached for the sum of \$ ☐.  
☐ Please charge the sum of \$ ☐ to Credit Card per the attached Electronic Fee Sheet.  
☐ Please apply extension of time fee to Deposit Account No. 23-3000.
2. ☐ Appeal Fee: ☐ Other than a small entity Fee: \$ ☐  
☐ Small Entity Status previously Requested and is still proper Fee: \$ ☐  
☐ Small Entity Status Requested Fee: \$ ☐
3. ☐ Payment: ☐ Check attached for the sum of \$ ☐.  
☐ Please charge the sum of \$ ☐ to Credit Card per the attached Electronic Fee Sheet.  
☐ Please charge the sum of \$ ☐ to Deposit Account 23-3000.
4. ☒ Fee Deficiencies: If any other fees or extension of time is needed to complete this transaction or if a credit is due, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

Wood, Herron & Evans LLP

2700 Carew Tower

441 Vine Street

Cincinnati, Ohio 45202

Telephone: (513) 241-2324

Facsimile: (513) 241-6234

By: /Scott A. Stinebruner/

Scott A. Stinebruner

Reg. No. 38,323

Date: June 16, 2009